



CANNON BUILDING
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STATE OF DELAWARE
BOARD OF HOME INSPECTORS

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PUBLIC MEETING NOTICE:	BOARD OF HOME INSPECTORS
DATE AND TIME:	Monday, December 16, 2013 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, DE Cannon Building, Second-Floor Conference Room A
APPROVED:	January 14, 2014

MEMBERS PRESENT

Donald E. Pyle, Sr., Professional Member, Chair
Dennis Theoharis, Public Member, Vice Chair
Tim Harriger, Professional Member
Joyce Edwards, Public Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Jennifer Singh, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Bob Powers, Administrative Specialist II

PUBLIC PRESENT

Thomas W. Bartholetti
Wes Mast
Mark Benzel

CALL TO ORDER

Mr. Pyle called the meeting to order at 9:30 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

The Board reviewed the meeting minutes from the November 12, 2013 meeting. Mr. Harriger made a motion, seconded by Ms. Edwards, to approve the minutes as written. The motion carried unanimously.

PROPOSAL TO DENY HEARING Thomas W. Bartholetti - 9:30 A.M.

BOARD PRESENT: Donald S. Pyle, Sr., Dennis Theoharis, Tim Harriger, and Joyce Edwards

PUBLIC PRESENT: Wes Mast, Mark Benzel

PRESIDING: Donald S. Pyle, Sr., Professional Member, Chair

DIVISION STAFF: Amanda McAtee, Administrative Specialist II

Bob Powers, Administrative Specialist II

BOARD COUNSEL: Jennifer Singh, Deputy Attorney General

COURT REPORTER: Susan Arnold, Wilcox and Fetzer

Ms. Singh went on record at 9:32 a.m. The Board members introduced themselves for the record.

Ms. Singh stated that the Board reviewed Mr. Bartholetti's application for a home inspector license by endorsement at their September 24, 2013 meeting. After reviewing the application and all supporting documentation, the Board proposed to deny the application as it found that Mr. Bartholetti did not have an active home inspector license in a state that had a home inspector licensing board. His application indicated that he practiced in the State of Pennsylvania and they do not have a state home inspector licensing board. Specifically, under 24 *Del. C.* § 4111(a), "the Board shall grant a license to each applicant, who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, whose standards for licensure are substantially similar to those of this State. A license in "good standing" is defined in § 4108(a)(4), (5), (6), and (7) of this title."

Ms. Singh marked a complete copy of Mr. Bartholetti's home inspector application submitted by Mr. Bartholetti, which included all supporting documentation, and the Board's correspondence noticing Mr. Bartholetti of the proposal to deny decision as Board's Exhibit 1.

Mr. Bartholetti entered the following exhibits into the record:

Applicant 1 – Printed copy of the instructions for home inspector licensure by endorsement from the website of the Division of Professional Regulation.

Applicant 2 – Printed copy of the instructions from the application for licensed home inspector by endorsement which was accessed from the Division of Professional Regulation's website

Applicant 3 – a copy of Pennsylvania Home Inspection Law, 68 Pa. C.S. §§7501-7512

Applicant 4 – Printed copy of the instructions from the application for home inspector licensure by examination which was accessed from the Division of Professional Regulation's website

Applicant 5 – a copy of NAHI levels of membership which was accessed from NAHI's website

Mr. Bartholetti stated that he held a certification in the State of Pennsylvania to practice home inspection and that he was a member of NAHI. He felt that he qualified for endorsement since the Division's instructions stated "licensure/certification as a home inspector in any jurisdiction"

Ms. Singh stated that the jurisdiction must have a state licensing board substantially similar to the State of Delaware as stated under 24 *Del. C.* § 4111(a), "the Board shall grant a license to each applicant, who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, whose standards for licensure are substantially similar to those of this State. A license in "good standing" is defined in § 4108(a)(4), (5), (6), and (7) of this title."

Mr. Pyle stated that Mr. Bartholetti had submitted his application before the end of the grandfather provision period. If Mr. Bartholetti wanted to amend his application to a trainee application he could be

granted credit for home inspections that he already completed under the grandfather provision. Mr. McAtee stated that he would not have to submit another application fee if he wished to amend his application. Mr. Bartholetti stated that he would amend his application to a trainee.

The Board went off record at 9:50 a.m. to deliberate.

After deliberation, the Board went back on record at 10:06 a.m.

Mr. Pyle made a motion, seconded by Ms. Edwards, to allow Mr. Bartholetti to amend his endorsement application to a trainee application so that Mr. Bartholetti could receive credit for inspections that he had already completed. The motion carried.

The hearing adjourned at 10:13 a.m.

UNFINISHED BUSINESS

Final Denial – Roger Weaver

Ms. McAtee stated that a certified letter was sent to Mr. Weaver informing him of the Board's proposal to deny decision on November 14, 2013. Mr. Weaver did not request a hearing in response to the letter. Mr. Theoharis made a motion, seconded by Mr. Pyle, to issue a final denial for the home inspector application of Roger Weaver. The motion carried unanimously.

Final Denial – Karl Brown

Ms. McAtee stated that a certified letter was sent to Mr. Brown informing him of the Board's proposal to deny decision on November 14, 2013. Mr. Brown did not request a hearing in response to the letter. Mr. Theoharis made a motion, seconded by Mr. Pyle, to issue a final denial for the home inspector application of Karl Brown. The motion carried unanimously.

Discussion of the New Castle County Board of Realtors Contract with Regards to Home Inspection

Ms. Singh stated that the state was now using the same contract as the New Castle County Board of Realtors and had become a larger issue. Additionally, no response had been received from the letter that Mr. Jim Butler had sent to the Board of Realtors. Mr. Pyle stated that he had heard the issue had been discussed at the Board of Realtors and that they would leave the problematic language in.

Mr. Pyle suggested that maybe a contractor should be allowed to inspect one aspect of the house, i.e. a roofing contractor inspect the roof. Ms. Singh stated that this should not be allowed as it would facilitate unlicensed practice. Ms. Singh then stated that if the Board of Realtors continued to use this language, the Division of Professional Regulation would be able to issue cease and desist orders for unlicensed practice against contractors who were inspecting homes without a license. Ms. Singh had drafted a letter from the Home Inspector Board and would send it to the Delaware Association of Realtors and their respective legal counsel. The Board agreed with the content of her letter and approved it to be sent.

NEW BUSINESS

Ratification of Issued Home Inspector Licenses

Mr. Theoharis made a motion, seconded by Mr. Harriger, to ratify the list of home inspector licenses listed below. The motion carried unanimously.

Aubrey, Gerald G
Boyce, Andrew W
Bukowski, Kenneth

Bennett, Bruce J
Hagarty, Joseph P
Goldstein, David W

Cowan, William L
Hastings, David C

Barcikowski, Christopher M
Gibson, Ross A

Mr. Harriger made a motion, seconded by Ms. Edwards to ratify the Home Inspector license of David E. Pyle. The motion carried by majority with Mr. Pyle recused.

Ratification of Issued Home Inspector Trainee Licenses

Mr. Theoharis made a motion, seconded by Mr. Pyle, to ratify the list of home inspector trainee licenses listed below. The motion carried unanimously.

Glynn, Francis J Thomas, Shawn R

Review of Applications – Grandfather Clause

None

Review of Applications – Endorsement

None

DISCUSSION TO RESCHEDULE NOVEMBER 11, 2014 MEETING DUE TO VETERAN'S DAY

Ms. McAtee stated that the scheduled meeting of November 11, 2014 fell on Veteran's Day, which was a state holiday. The Board decided to cancel the November 11, 2014 meeting in light of this information. Ms. McAtee stated that she would update the website.

FEDERAL GRANTS, STANDARDS OF PRACTICE, AND CODE OF ETHICS DISCUSSION

Ms. McAtee stated that she had posted the Standards of Practice and Code of Ethics as a separate item on the DPR website as requested in the last meeting. Ms. McAtee questioned the board what the requirement was to have these posted online and wanted to know if it was a requirement, whether it should be included in the Board's Rules and Regulations. Mr. Pyle stated that it was not a requirement but just a good business practice.

Mr. Harriger questioned where the Board stood on the discussion of home inspectors taking payment after closing with regards to Federal Grants. Mr. Pyle stated that he had not made much progress on the subject and requested that Ms. McAtee put the subject on the January 14, 2014 agenda for discussion.

CORRESPONDENCE

Richard Dohler

Mr. Dohler had contacted the Division of Professional Regulation and stated that he had started to apply for his home inspectors license by grandfather provision and he waited to submit the application until he received the required insurance. Waiting for the required insurance made him miss the grandfather provision application deadline and asked Ms. McAtee if there was anything the Division or the Board could do to help him apply. Ms. McAtee informed him that the grandfather provision cutoff date was a part of the statute and that the Board could not waive statutory requirements.

Ms. McAtee stated that she brought Mr. Dohler's question to the Board in order to see if the Board desired to discuss or entertain another avenue to become licensed for people who would otherwise meet all requirements except the five practice years. Ms. Singh stated that the Board could place the topic on the January 14, 2014 agenda for discussion.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

PUBLIC COMMENT

Mr. Wes Mast asked the Board for clarification on the amount of supervised trainee inspection requirements. The board stated that it was now 125 inspections and not 250.

Mr. Mark Benzel questioned if supervised inspections could occur in the State of Pennsylvania if they were supervised by a Delaware licensed home inspector. Ms. Singh stated that the law did not say that the inspections had to take place in the State of Delaware, just that the supervisor had to be a Delaware licensed home inspector. Mr. Benzel asked for the status of his application. Mr. Powers retrieved his record from the Division's licensing database. Ms. McAtee stated that he was still missing one item. Mr. Benzel questioned the Board if his inspections would still be credited while he was waiting for his supervisor to submit the supervision form. Ms. Singh stated that as long as the supervisor was licensed as a home inspector in the State of Delaware that the trainee hours would be credited. Mr. Benzel stated that he had already taken the national exam and questioned if he would have to retake the exam once his trainee requirements were completed. The Board stated that the exam could be taken at any time and he would not need to retake the exam.

NEXT MEETING

The next Board meeting will be at **9:00 a.m. on Tuesday, January 14, 2014 in Conference Room B** located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business to discuss, Mr. Pyle made a motion, seconded by Ms. Edwards, to adjourn the meeting at 11:22 a.m. The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.